

# memorandum

DATE: April 4, 1997

REPLY TO  
ATTN OF: Office of Environmental Policy and Assistance(EH-413) Nakata: 6-0801

SUBJECT: **PROCEDURES FOR UPDATING REMEDY DECISIONS**

TO: Distribution

**PURPOSE OF THIS MEMO** To provide DOE elements with information on the Environmental Protection Agency (EPA), Offices of Emergency and Remedial Response and Site Remediation Enforcement September 26, 1996, joint directive encouraging, when appropriate, changes to remedies selected in existing Records of Decision (RODs).<sup>1</sup> The directive was developed as part of the *Superfund Administrative Reforms* to control remedy costs and promote cost-effectiveness.

**PURPOSE OF REMEDY UPDATES** Updated remedy decisions are intended to bring past decisions into line with the current state of knowledge with respect to remediation science and technology, and by doing so, improve the cost-effectiveness of site remediation while ensuring reliable short and long term protection of human health and the environment. EPA is prepared to review and update existing RODs where appropriate (i.e., where significant new information that substantially supports the need to alter the remedy has become available, and such information was not available at the time the ROD was signed). The Agency has predicted that the primary focus of these updates will be ground water sites, because the science of ground water remediation has changed dramatically since the inception of the Superfund program.<sup>2</sup> Additionally, cleanup levels are not expected to change absent a showing that remediation levels are unattainable.

The Agency anticipates three principal types of updates:

- 1) Changes in the remediation technology employed, where a different technology would result in a more cost-effective cleanup;
- 2) Modification of the remediation objectives due to physical limitations posed by site conditions or the nature of the contamination; and,
- 3) Modification of the monitoring program to reduce sampling, analysis, and reporting requirements, where appropriate.

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<sup>1</sup> See EPA memorandum dated September 27, 1996, subject: *Superfund Reforms: Updating Remedy Decisions* (OERR directive: 9200.0 - 22).

<sup>2</sup> See EH-413 memorandum dated October 12, 1995, subject: *Guide to Ground Water Remediation at CERCLA Responses and RCRA Corrective Action Sites*", DOE/EH-0505. (<http://www.eh.doe.gov/oepa>)

**IMPACT  
ON DOE**

Eligibility for this reform is open to Federal facilities. Candidate sites for remedy updates may be identified by EPA, or Federal facilities may request that EPA update remedy decisions. The directive provides Federal facilities the opportunity to act upon ongoing remedial performance data, and pursue newer remediation technology. Accordingly, as technological developments and/or site conditions warrant, DOE Environmental Restoration Program Managers (ERPM) may initiate a remedy update with a request to the EPA Regional Office to implement the review process.

The EPA directive discusses the Regional Offices' responsibilities to set up a phased review process involving:

- identification and prioritization of RODs for review;
- technical review (to determine whether changes to the remedy are warranted); and,
- implementation of the remedy update (changes documented in the post-ROD file, an Explanation of Significant Differences, or a ROD Amendment; or where the ROD is not altered, by a revision of a work plan or other relevant document.

The DOE-ERPM should assist the EPA Regional Office in preparing relevant documentation needed to effect the remedy update, and ensure consistency with applicable Federal Facilities Agreements.

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**ACCESS TO  
DIRECTIVE**

The EPA *Updating Remedy Decisions* directive is available on the INTERNET via the EPA Superfund Homepage at:

<http://www.epa.gov/superfund/oerr/remedy/remedy.htm>

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**CONTACT**

If you have any questions regarding the subject directive or this memorandum, please contact Katherine Nakata of my staff by ...

- calling (202) 586-0801
- faxing messages to (202) 586-3915
- communicating electronically, via Internet, to [katherine.nakata@eh.doe.gov](mailto:katherine.nakata@eh.doe.gov)

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Thomas T. Traceski  
Director, RCRA/CERCLA Division  
Office of Environmental Policy and Assistance